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# RIGHTS OF THE CHILD

## Impact of armed conflict on children

## Report of the Secretary-General

## Introduction

1. At its forty-eighth session, the General Assembly adopted resolution 48/157 entitled "Protection of children affected by armed conflicts" in which it expressed grave concern about the tragic situation of children in many parts of the world as a result of armed conflicts; urged all Member States to continue seeking comprehensive improvement of the situation with appropriate and concrete measures to alleviate it; and requested bodies and organizations of the United Nations, as well as intergovernmental and non-governmental organizations, within the scope of their respective mandates, to cooperate in order to ensure more effective action in addressing the problem of children affected by armed conflicts.

2. In the same resolution, the Assembly requested the Secretary-General to appoint an expert, working in collaboration with the Centre for Human Rights and the United Nations Children's Fund (UNICEF), to undertake a comprehensive study of the protection of children in armed conflict, including the participation of children in armed conflict, as well as the relevance and adequacy of existing standards, and to make specific recommendations on ways and means of preventing children from being affected by armed conflicts and of improving their protection, including, from indiscriminate use of all weapons of war, especially anti-personnel mines. The study will also contain recommendations for measures to promote the physical and psychological

recovery and social reintegration of children affected by armed conflict, including child soldiers and, in particular, measures to ensure proper medical care and adequate nutrition, taking into account the recommendations of the World Conference on Human Rights and the Committee on the Rights of the Child. In June 1994, Ms. Graça Machel was appointed to undertake the study.

3. The expert wishes to acknowledge the considerable support received from national committees for UNICEF, and wishes to express her deep appreciation for the contributions received from the National Committees of Australia, Germany, Greece, Hong Kong, Japan, the Netherlands, Spain, Switzerland the United Kingdom and the United States of America. This represents funds not from Governments, but directly from the peoples of these countries and territories. She also wishes to thank the Governments of Angola, Cambodia, Colombia, Côte D'Ivoire, Ethiopia, Eritrea, Egypt, Lebanon, Liberia, Rwanda, and Sierra Leone for facilitating the study's work in their countries.

4. In resolution 48/157, the General Assembly also requested Member States and United Nations bodies and organizations, as well as other relevant intergovernmental and non-governmental organizations, including the Committee on the Rights of the Child, UNICEF, the Office of the United Nations High Commissioner for Refugees (UNHCR), the World Health Organization (WHO) and the International Committee of the Red Cross (ICRC), to contribute to the study. In paragraph 9 of resolution 48/157, the Assembly also requested the Secretary-General to submit a progress report on the study to its forty-ninth session.

5. In resolution 49/209, the Assembly took note of the Secretary-General's report (A/49/643) and, in paragraph 15, requested that a report on the study be submitted to the Assembly at its fiftieth session. That report is contained in document A/50/537. The final report and recommendations will be presented to the General Assembly at its fifty-first session in 1996.

6. In paragraph 10 of resolution 48/157, the Assembly invited the Commission on Human Rights to consider the study at its forty-ninth session. A report (E/CN.4/1995/112) was duly submitted to the Commission. The present document updates that report.

## I. METHODOLOGY

7. The expert has envisaged the preparation of the study as a unique process of research, mobilization and awareness-building, involving field visits to affected countries, consultations at the regional level, and the preparation of seminars and thematic papers in selected areas. To support these efforts, the expert has received support from and has cooperated with special rapporteurs, envoys and representatives of the Secretary-General, the regional commissions, regional bodies such as the Organization of African Unity and the African Development Bank, and various United Nations bodies and specialized agencies including WHO, UNHCR, FAO, UNICEF, the Committee on the Rights of the Child and the Centre for Human Rights. Governments, religious communities and international, regional and national non-governmental organizations and independent institutions have also been central to the study's programme of research and mobilization. The wide range of support and cooperation at all

levels will help ensure that the final report and recommendations reflect the realities and priorities in the field, and the concerns of children, women and those most involved in the protection and care of children affected by armed conflicts. The study has elicited the commitment and interest of various institutions and individuals and allowed them to better understand and meet the needs of children affected by armed conflicts through coalition-building, networking, and prioritizing these concerns on political and development agendas at the national, regional and international levels.

8. Consultations at the regional level are under way in Africa, Latin America, Europe, the Arab region and Asia. These provide a pivotal opportunity for a cross-section of those concerned with the situation of children affected by armed conflicts to synthesize, document and share experiences, to determine regional priorities relating to children and war, and to sensitize Governments, policy makers and public opinion leaders to the issues. National institutions, governmental departments, human rights organizations, non-governmental organizations, United Nations agencies, the media, religious organizations, independent experts and eminent leaders within civil society, as well as women and children who have been affected, are involved as participants and resource persons. Military authorities, Governments and legal experts are also involved, particularly with regard to the application of international humanitarian and human rights law and the reinforcement of preventive measures.

9. At the national level, the expert has undertaken field visits to countries in the throes of, or emerging from conflict. Organized in cooperation with the Centre for Human Rights, UNICEF, UNHCR and other agencies and NGOs, field visits allow the expert to meet with government representatives, non-governmental organizations, youth and community organizations, religious groups, agencies, national institutions and other interested parties. They also provide a first-hand opportunity to witness the impact of armed conflict on all aspects of the child's life, to hear children and their families relate their own experiences, and to see first hand the implementation of programmes designed to promote the physical and psychological recovery and social reintegration of children within their families and communities.

10. In addition, the expert enjoys the guidance of a group of eminent persons made up of individuals of international repute and integrity drawn from every geographic region and representing a wide diversity of political, religious and cultural backgrounds; this group provides conceptual and practical guidance to the study and also acts as a public advocate for its work. The members of the group include: Hanan M. Ashrawi (Palestine), Belisario Betancur (Colombia), Frances Deng (Sudan), Marian Wright Edelman (United States of America), Devaki Jain (India), Rigoberta Menchú Tum (Guatemala), Julius K. Nyerere (United Republic of Tanzania), Lisbet Palme (Sweden), Wole Soyinka (Nigeria) and Archbishop Desmond Tutu (South Africa).

11. The expert receives further counsel from a technical advisory group composed of men and women with recognized international expertise in the areas to be studied and in the welfare of children in general; its task is to help ensure that the study benefits from the highest standards of accuracy and

professionalism, and to provide overall guidance regarding the scope of work. The members of the advisory group include Thomas Hammarberg, Chair (Sweden), Philip Alston (Australia), Maricela Daniel (Mexico), Dr. Duong Quynh Hoa (Viet Nam), Stephen Lewis (Canada), Jacques Moreillon (Switzerland), Vittit Muntarbhorn (Thailand), Olara A. Otunnu (Uganda), Kimberly Gamble Payne (United States of America), Sadig Rasheed (Sudan), Mohamed M. Sahnoun (Algeria), Marta Santos Pais (Portugal), Jane Schaller (United States of America), Jody Williams (United States of America).

12. In order to facilitate the contributions of the major international bodies representing the rights of children in armed conflict, an inter-agency task force has met periodically in Geneva. Participants include representatives from the Centre for Human Rights, the Department for Humanitarian Affairs, UNICEF, UNHCR, WFP, ILO, FAO, the United Nations Organization for Education, Science and Culture (UNESCO), WHO. A representative of ICRC also participates. Representatives of non-governmental organizations have played a major role in helping to develop the research programme and are actively participating in the study.

13. International NGOs working in areas related to the study areas have established working groups in Geneva and New York to facilitate their contributions to the study's research and mobilization programme. In addition, many international, regional and national NGOs and other independent institutions participate in and help to coordinate field visits, inter-agency meetings and regional consultations, and have been involved in the preparation of seminars and papers on thematic areas. Among the international NGOs working in close cooperation with the study are Human Rights Watch, International Catholic Child Bureau, International Council of Voluntary Agencies, Rehabilitation International, Save the Children Alliance, the Friends World Committee for Consultation (Quakers) and World Vision.

14. Many regional networks and national NGOs have developed activities to follow up the recommendations emerging from field visits and regional consultations. Focal points for these activities include the African Network for the Prevention and Protection against Child Abuse and Neglect (ANPPCAN), the Forum for African Voluntary Development (FAVDO), and the African Centre for Democracy and Human Rights Studies in the Gambia.

15. Throughout its work the study has taken the principles and provisions of the Convention on the Rights of the Child as a source and guiding reference to assess the impact of armed conflicts on the enjoyment of children's rights. Special attention is paid to the protection of children from abuse and neglect and to their rights to receive special protection if they have no family or if they are refugees, displaced or disabled; to receive the highest attainable standard of health and medical care; and to develop in a caring environment in which they can realize their full potential as individuals and where their best interests are a primary consideration in all actions affecting their well-being.

## III. PROGRAMME OF WORK

Consultation on the impact of armed conflict on children in the Horn and eastern, central and southern Africa (Addis Ababa, April 1995)

16. The first regional consultation was convened in cooperation with the Economic Commission for Africa (ECA). It focused on the situation of children in 15 countries in the Horn and in eastern, central and southern Africa. The final statement adopted by the consultation contained recommendations concerning the application and adequacy of international humanitarian and human rights standards and the protection of children in situations of armed conflict, and the promotion of physical and psychological recovery and social reintegration.

17. The Consultation provided a pivotal opportunity for Governments and representatives of civil society, through NGOs, religious organizations and independent experts, and eminent leaders to address the main issues affecting children in the region. The consultation resulted in the establishment of numerous initiatives at the grass-roots, national and regional levels, such as the formation of an African NGO Action Network (ANAN) to take leadership within the region on the impact of armed conflict in southern Africa, the role of women in protecting refugee and internally displaced children, and African models and techniques for trauma treatment for children in situations of armed conflict and civil violence.

Consultation on the impact of armed conflict on children in the Arab region (Cairo, August 1995)

18. This consultation was organized in cooperation with the Economic and Social Commission for Western Asia (ESCWA) and UNICEF. It made recommendations in the areas of children as zones of peace, women as active agents for peace, community-based approaches to psychological recovery and social reintegration and education for tolerance and peace, and the role of the media in armed conflicts. The consultation was preceded by a Youth Forum organized by UNICEF, UNHCR and the Arab Scouts Organization with participants from Egypt, Palestine, Yemen and the Sudan. The Youth Forum and the participation of adolescents in the regional consultation emphasized the importance of the contribution of young people to the deliberations and decisions that affect the quality of their lives.

19. The Arab consultation recommended two general actions: (a) UNICEF, ESCWA and other appropriate partners in the Arab region should document Arab experiences and lessons in protecting children in conflict situations, with a view to providing a platform for future Arab initiatives and allowing others throughout the world to share Arab experiences and lessons; (b) Governments, NGOs and other interested parties working in cooperation with UNICEF and ESCWA should formulate a plan of action within the framework of the full implementation of the Convention on the Rights of the Child, including immediate, medium- and long-term measures to protect children who suffer violence or conflict situations.

Consultation on the impact of armed conflict on children in west and central Africa (Abidjan, November 1995)

20. The third regional consultation was convened in cooperation with the ADB, ECA and UNICEF. This consultation examined the patterns and underlying causes of armed conflicts in west and central Africa, violence and sexual abuse against women and children, child soldiers and the prevention of armed conflict and mitigation of its impact on children and women.

21. At the consultation, participants representing a diverse range of Governments, NGOs, agencies and elements of the civil society established networks to follow three main areas for action: (a) the promotion of the rights of the child in situations of armed conflict - to promote child rights advocacy and networking at the national and regional levels, as well as the application and monitoring of international standards at the national level; (b) regional networking in the area of trauma counselling for children affected by armed conflicts - to establish and operationalize an effective network system in the area of trauma counselling in the west and central African subregions; and (c) national truth commissions for reconciliation - to explore the potential of national truth commissions as a mechanism at the national level to help facilitate social reintegration and reconciliation.

Field visits to Angola, Cambodia, Lebanon, Rwanda and Sierra Leone

22. Field visits to countries affected by armed conflicts will be a central contribution to the preparation of the final report and recommendations. They provide the expert with a first-hand understanding of the ways in which many competing concerns in the protection and care of children are addressed by actors at the national, regional and international levels. In close cooperation with Governments, UNICEF, UNHCR, the Centre for Human Rights and national and international NGOs, the expert visited Angola, Cambodia, Lebanon, Rwanda and Sierra Leone. Main issues addressed throughout the visits included the situation of refugees, internally displaced and unaccompanied children, psychological recovery and social reintegration, juvenile justice and judicial reform, child soldiers, and rape and gender violence.

23. In addition, the field visit to Rwanda, in December 1994, raised concern about HIV, and the role of human rights monitors. Additional areas of concern raised during the Cambodia field visit in May 1995 included orphans and street children, education, land-mines, and the application of international and national standards to the protection of children. The July 1995 visit to Angola also focused on issues relating to military expenditure, demobilization, legal protection, children with disabilities, and the special needs of girls. Additional areas of concern raised during a field visit to Lebanon in August 1995 included public health and education, and transport systems. The expert visited Sierra Leone in November 1995 in cooperation with the Special Envoy of the Secretary General to Sierra Leone. The main issues included child soldiers, mercenaries, and the accountability of non-State parties to a conflict for the protection of children.

24. In accordance with its mandate and in consultation and cooperation with Governments, relevant intergovernmental and non-governmental organizations, a comprehensive research programme of thematic papers and field-based case studies is being undertaken. Special attention is being given to the following issues as they affect children in situations of armed conflicts: modern patterns of conflict; international law applicable to children in armed conflict; children's experiences in armed conflict, including children bearing arms, the indiscriminate use of weapons of war, detention and torture, rape, sexual abuse and sexual exploitation, education, health and nutrition, refugee and displaced children, and children of minorities; post-conflict physical and psychological recovery and social reintegration; and the reinforcement of preventive measures.

25. The first in a series of seminars on selected thematic areas was convened in cooperation with the World Conference on Religion and Peace in Geneva in August 1995. The seminar produced a statement and recommendations regarding the role of the United Nations system, regional organizations, Governments, people's movements, religious and civic leaders, the media, NGOs and religious communities in the protection of children in situations of armed conflict.

## IV. MAIN ISSUES

26. To date, the expert has identified a number of main areas to be considered in the final report and likely to be reflected in the final recommendations of the study. These were drawn from, inter alia, field visits, regional consultations and seminars. The expert will also draw from studies and other research in preparing the final report and recommendations.

### A. Patterns of conflict

27. Economic, political and social crises have contributed to ongoing conflicts and situations of prolonged insecurity in countries in Africa, Eastern Europe, Asia and Latin America. The collapse of functional Governments in many countries, the personalization of power and leadership and the manipulation of ethnicity and religion to serve personal or narrow group interests have fomented inequalities, grievances and conflict.

28. Many conflicts can be characterized as "total wars" where nothing is spared; not crops, nor women, children, schools, health-care facilities or places of worship. Unbridled attacks on civilians and rural communities have provoked mass flights and displacement of entire populations in search of sanctuary within and outside national borders. Children and women constitute the overwhelming majority of affected civilians. Children have increasingly become both targets and victims of conflicts characterized by the indiscriminate destruction of lives and property and unprecedented numbers of human rights violations and have been manipulated as instruments for the perpetration of violence and atrocities. Armed conflicts today call attention to a fundamental collapse of human morality and respect for human life at its most vulnerable.

29. The study will draw attention to emerging patterns of conflict and their regional specificity as well as the challenges they pose for the international community including humanitarian organizations, Governments and civil society. Key issues that concern the expert include the increasing trends toward internal or intra-State conflicts and long-term situations of insecurity and low-intensity conflict. The role that the media play in armed conflicts, the use of mercenaries, gender violence, developments in weapons technology and its consequences for children, and the increasing militarization of society have been identified as areas that deserve special attention.

30. Understanding the root causes of conflicts is essential to the design of effective remedies to prevent conflicts from occurring, and to develop strategies that provide relief and contribute to long-term development, recovery and reconstruction. In developing its recommendations, the study will consider the historical patterns of socio-economic, political and cultural development in countries affected by conflict, as well as issues relating to governance.

The impact of armed conflict on women

31. As activists, mothers, community leaders, professionals, widows and breadwinners, women play a crucial role in protecting children, and assume additional caretaking responsibilities within the family and community as a result of armed conflicts. It has been impossible for the study to assess the situation of children affected by armed conflicts without understanding the effects of armed conflict on women and their role in mitigating its impact on children. In this context, the study will look at the importance of protecting women's human rights, and of the role of women's institutions and organizational efforts at the local, national and international levels in responding to the needs of children affected by armed conflict. The study has identified an overwhelming need to document the nature and consequences of violence against women, and to use gender analysis to understand the differential impact of armed conflict on men and women in order to design effective responses for the protection and care of families. Despite the many legal, social and cultural constraints to women's active participation in the public sphere, women and women's organizations have played catalytic roles in promoting peace and development in many countries affected by conflict. The study will also identify ways and means to enhance women's role in peace-making and conflict resolution at the national, regional and international levels.

The relevance and adequacy of existing standards

32. The study will devote significant attention to the relevance and adequacy of existing standards applicable to children in armed conflict, in particular the provisions of the Convention on the Rights of the Child. The legal protection of children in situations of armed conflict is afforded, in particular, by international human rights law and humanitarian law, and also by national and regional instruments.

33. While the study may consider ways to strengthen existing standards, it will also pay attention to related areas such as the accountability of Governments in the promotion and protection of children's human rights, the situation with respect to non-State parties to a conflict, and the role the international community, the United Nations, NGOs, other organizations, and the civil society can play in upholding minimum standards of conduct in conflict situations. The study will also address issues concerning the application of international and regional instruments in situations of civil strife and internal conflicts, and the relevance and adequacy of standards in the protection of children of minorities, indigenous peoples and children belonging to other disadvantaged groups. Consideration will be given to the activities, recommendations and decisions of human rights treaty monitoring bodies and of thematic and country special rapporteurs, representatives and experts.

The indiscriminate use of weapons of war

34. One of the fundamental rules of international humanitarian law is the principle of distinction. This customary rule requires that in all armed conflicts the parties to the conflict must distinguish between the civilian population and combatants. Neither the civilian population as such nor civilian persons shall be the object of attack. Children benefit from this general legal protection as long as they do not take a direct part in hostilities. In many conflicts, however, children and their families have been casualties of the indiscriminate use of weapons of war. The study will assess the impact on children of light weapons and small arms, and especially of land-mines and unexploded ordnance, as well as the long-term impact on children and their environment of the use of chemical weapons.

35. The expert took note of the fact that at the 1995 Review Conference of the 1980 Convention on Prohibition or Restriction in the Use of Certain Conventional Weapons which May be Deemed to be Excessively Injurious or to have Indiscriminate Effects, Governments were unable to reach agreement to strengthen Protocol II dealing with prohibitions and restrictions on land-mines. She encourages the adoption of further and decisive steps in this field. She is convinced in fact that the only viable long-term solution to the global land-mine epidemic is a total and immediate ban on all land-mines, beginning with anti-personnel mines.

## B. The experiences of children in armed conflict

Children as zones of peace

36. War violates virtually every right of a child - the right to live, the right not to be separated from families and communities, the right not to be party to violence, the right to a happy and healthy life and to the harmonious development of the personality, and to be nurtured and protected. Far worse, children and women have become targets of genocidal sweeps and strategies to destabilize and demoralize communities. The expert contends that children must be considered zones of peace - inviolate from the horrors of conflict. The study will explore experiences in which measures to protect children during situations of armed conflict have been used to help negotiate conflicts

or establish "bridges of peace" between conflicting groups, and to develop longer-term measures around which parties to a conflict can resolve the conflict and effect longer-term preventive, protection and healing measures. The study will document efforts to declare "Days of Tranquillity," and "Corridors of Peace" in countries such as the Sudan and Lebanon to allow access to children in conflict situations, and identify other strategies that ensure humanitarian access to and protection of children in situations of armed conflict. Within this framework, the study will examine children's experiences as soldiers and civilians in armed conflict. It will look at the physical and psychological effects of war, including rape, sexual abuse and exploitation, the situation of refugee, displaced and unaccompanied children, as well as the special needs and concerns of girls and women.

Children bearing arms

37. Despite the existence of various legal norms in both human rights and humanitarian law which seek to prohibit or restrict the recruitment into the armed forces and the participation of children in armed conflict,*/ children are increasingly found to be bearing arms, particularly in situations of internal armed conflict where civilian deaths and injuries are high. This phenomenon affects children and young people in Asia, Latin America, Africa and the Middle East, and recruitment of children has also occurred in conflicts following the break-up of the former Soviet Union. The study is working with a network of NGOs in some 30 countries that are now undergoing, or have recently undergone, armed conflict to assess the involvement of those under 18 in combat and combat-related activities. The study will pay particular attention to the reasons and circumstances that lead to direct and indirect forms of participation, the consequences for victims and combatants, and practical possibilities for demobilization, rehabilitation and reintegration.

38. In January 1996, an inter-sessional working group of the Commission on Human Rights met for the second time to consider a draft optional protocol to the Convention on the Rights of the Child to raise to 18 the minimum age for the recruitment into the armed forces and the participation of children in armed conflicts. The expert believes that the consequences for children and for other non-combatants fully justify this measure, although State practice suggests that a minimum age of 18 may already be an emerging norm of customary international law. The expert further believes that the obligation not to recruit or to accept recruitment into the armed forces and the obligation not to allow the direct or indirect participation of persons under the age of 18 in hostilities under the age of eighteen should be unequivocal. The obligations should apply not only to governmental armed forces but also to armed groups of non-governmental entities. The obligations should be enforced by criminal penalties incorporated into the domestic legislation of States.

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*/ Convention on the Rights of the Child, article 38; Protocol I Additional to the Geneva Conventions of 12 August 1949, article 77 (2); Protocol II Additional to the Geneva Conventions of 12 August 1949, article 4 (3) (c).

The physical impact and recovery of children affected by war

39. Access to data and information on child health in situations of armed conflict is especially difficult. The study is concerned with the ways in which children's health, determined by many factors such as household food security and health and sanitation services, is hampered and rendered more vulnerable by armed conflicts. The study will pay close attention to the ways in which armed conflicts affect health-care systems, the incidence and treatment of acute and chronic illness, and the impact of armed conflict on the lives of children with disabilities and in institutions. The study will explore issues relating to women's reproductive and sexual health owing to the increased incidence of rape and sexual violence as a result of armed conflict, and the rapid spread of HIV. The study will examine the nutritional situation of children and their families in situations of armed conflict, the deterioration of local coping mechanisms during conflict as well as interventions that have succeeded in strengthening the capacity of the population to support themselves. Recommendations will focus on interventions that improve children's health and nutritional status, such as primary health care and preventive medicine, as well as the role that physicians and other professional organizations can play in protecting children's rights.

Psychological recovery and social reintegration

40. The expert attaches major importance to children's psychological and mental health, recovery and social reintegration. Under articles 19 and 39 of the Convention on the Rights of the Child, States are obliged to protect children from all forms of mental violence or abuse and to strive to ensure that victims of armed conflict have access to rehabilitative care. The study will examine community-based approaches to children's psychological recovery, with an emphasis on the role of the family and education. The study will look at guidelines for programming and the training of psychologists and paraprofessionals and will draw on recent experience with post-traumatic stress disorder, rehabilitation, occupational training, mental health and nutrition in some countries. Research in these areas is expected to show more clearly the magnitude of the problem of children affected by armed conflict, to clarify needs and short- and long-term effects, to suggest frameworks for intervention strategies, with particular reference to critical stages of child development and the inter-generational consequences of armed conflict, and to identify programmes at the national level that successfully meet the needs of all children affected by armed conflict or help to protect children and young persons from such effects.

Gender violence, rape, sexual abuse and exploitation

41. Gender violence has become a systematic weapon of war and repression. Although States parties undertake to protect the child from all forms of sexual exploitation and sexual abuse, on the basis of binding provisions in the Convention on the Rights of the Child (art. 34), the Convention on the Elimination of All Forms of Discrimination Against Women and other international instruments, in situations of armed conflict and even in times of peace, displaced and refugee women and girls are rendered especially vulnerable to rape, sexual abuse and sexual exploitation. Many women and girls lose their traditional community supports, and their special

reproductive and maternal health care and mental health needs are often overlooked in the design and delivery of humanitarian assistance. Health education, preventive care and counselling are especially important for women and girls who have been raped, who have undergone female genital mutilation, or have been forced into prostitution and have become more vulnerable to sexually transmitted diseases and HIV/AIDs. Deeply concerned about these issues, the study will assess the nature and extent of the problem and suggest possible preventive and rehabilitative strategies. The expert looks forward with great interest to the outcome of the World Congress on the Commercial Sexual Exploitation of Children (Stockholm, 27-31 August 1996) as it relates to the issues of armed conflict.

Detention and torture

42. Children in situations of armed conflict are often subjected to torture and arbitrary detention. Different international instruments including the Convention on the Rights of the Child provide that no one shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. These human rights instruments have also established the legal norm that no child shall be deprived of his or her liberty unlawfully or arbitrarily. In the framework of the Commission on Human Rights, special rapporteurs have been given mandates to monitor these increasingly frequent phenomena. In the light of their reports, the study will address the question of the incidence of torture and its impact on children in the context of a particular conflict.

Refugee and displaced children

43. The situation of children displaced or forced to flee across an international frontier as a consequence of armed conflict presents challenges to the coordinated delivery of humanitarian assistance and the protection of human rights. International instruments like the Convention relating to the Status of Refugees and the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa contain important human rights standards relevant to the protection of children in armed conflict, including the principle of non-refoulement. Children who are unaccompanied are at particular risk of violence, abuse and exploitation; they need special assistance and protection to deal with their educational, physical and psycho-social needs.

44. Taking account of existing initiatives, including the work of the Special Representative of the Secretary-General on internally displaced persons, the study will focus on the family reunion dimensions including prompt and effective tracing mechanisms, as well as the emerging and no less serious problem of detention of children. A substantial body of rules and standards already confirms the principle of family reunion, whether children are separated from parents by armed conflict or other events. In practice, however, reunification is often frustrated or protracted, resulting in further psychological damage to children and their families. It is hoped that research in this area undertaken in connection with the study will identify obstacles and present realistic solutions, and that it will contribute to the principles of protection for internally displaced persons which are emerging in the related work of the United Nations.

C. Prevention, conflict resolution, recovery and reintegration

45. The United Nations was established with the hope that future generations would be spared the scourge of war. After 50 years, the international community faces challenges that appear more daunting than ever. Prevention is an area that has received insufficient attention, within both the intergovernmental and the non-governmental community. The study will consider various preventive mechanisms, including the role of education, early-warning systems, national truth commissions, demilitarization and the reduction of arms transfers, the role of the military in conflict resolution and the protection of civilians, the role of religious communities in peace-making and women's role in prevention, conflict resolution and peace-making.

Education for development, peace and conflict resolution

46. Various international and regional human rights instruments address the right to education. Whether through formal schooling or non-formal learning processes, maintaining continuity in children's education during armed conflict is critical not only to ensure their cognitive development but also to promote their psycho-social well-being. The Convention on the Rights of the Child, in particular, recognizes this right and specifies that it shall be directed to, inter alia, the development of the child's personality, talents and mental and physical abilities to their fullest potential and to the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of the sexes and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin. The study will consider existing efforts to provide education to children affected by armed conflict and suggest possible means of improved service delivery during and after conflict. The study recognizes the need to review and analyse existing practices in the design, implementation and evaluation of curricula reforms, targeting those who have missed education opportunities because of conflicts, education and training for demobilized soldiers, and the importance of training teachers and facilitators. The study will also address the importance of education in promoting tolerance, mutual respect and understanding and conflict resolution.

Achieving justice and reconciliation in post-conflict situations

47. Truth commissions have proven their importance as a means to facilitate social reintegration and reconciliation. Building on the experience of truth commissions, including South Africa's newly established Truth and Reconciliation Commission, the study will explore their potential to ensure justice for victims and to facilitate healing, reconciliation and the reconstruction of affected families, communities and nations. Strategies to document human rights violations as well as mechanisms of recourse are especially important. The question of criminal responsibility with reference to war crimes and crimes against humanity and the situation of children accused of genocide will also be considered.

Demilitarization, arms transfers, and the role of military and security establishments

48. The amassing of arms and excessive levels of military expenditure divert resources away from human development and greatly diminish chances to ensure the survival, protection and development of children in situations of armed conflict. The transfer and supply of arms to conflict areas has been associated with the increased incidence of death and injury, most notably among civilian populations. In developing recommendations regarding preventive measures, the study will consider the arms trade as well as trends towards increased military expenditure.

49. In considering alternative arrangements for collective security enhancement through non-military means and inter-country cooperation, the study will also address the role of the military and security establishments in protecting civilians, upholding national, regional and international standards, and in national reconstruction efforts.

## V. FUTURE ACTIVITIES

50. Throughout 1996, the study will convene consultations at the regional level in Asia (Philippines, March 1996), Latin America (Colombia, April 1996), and Europe (April 1996). Field visits are scheduled to take place in Northern Ireland, Latin America and Eastern Europe. Additional seminars will be convened on related areas: on children growing up in situations of ongoing conflict such as Palestine, Colombia, South Africa and Northern Ireland (Belfast, February 1996); on the role of the military in protecting civilians and in conflict resolution and reconstruction in Africa (Addis Ababa, 1996); and on the physical and psychological recovery of children in Mozambique (Maputo, 1996). The study will finalize a number of studies and field-based research, and continue to work closely with Governments, organizations, NGOs and the civil society. Additional studies are planned to develop national strategies for action in Mozambique and Angola. All of these activities will make a central contribution to the preparation of the final report and recommendations.

## VI. CONCLUSION

51. In an environment of increasing global awareness about human rights, the fundamental human rights of children continue to be violated with appalling and seemingly relentless brutality. Amidst the plethora of armed conflicts scarring the continents of Africa, Asia, the Americas and Europe, children are murdered, tortured, raped, abused and exploited - on occasion by those entrusted with their protection and care. The signature of a peace agreement or a cease-fire rarely signals an end to the misery that armed conflicts inflict on children. Whether the targets or the perpetrators of violence, children who survive armed conflicts endure an assault on their moral, social, physical, psychological, cultural and spiritual development. The survival of humanity depends upon their recovery and reintegration and the ability to ensure the protection and care of future generations.

52. The study on the impact of armed conflict on children aims to give new coherence and fresh impetus to the efforts of the international community to protect children from the effects of armed conflicts. On the basis of work undertaken over the past year, the expert has recognized the need for widespread mobilization of and cooperation from Governments, United Nations bodies, the specialized agencies, regional organizations and NGOs around the issues of children and war, and of the need to strengthen cooperation among all actors at the international, regional and national levels.

53. The expert appreciates and will continue to rely upon the active support of international, intergovernmental and non-governmental organizations throughout the world. The study's process of consultation has been essential to its work, and the direct participation of children affected by armed conflicts in the work of the study has deeply enriched its understanding of the issues.

54. The expert will draw upon a wealth of practice and experience in order to appraise the needs of children affected by armed conflict and to prepare specific and wide-ranging recommendations for action at the national, regional and international levels. The study will produce a series of publications on selected thematic areas as well as a book-length publication developing the major issues and recommendations emerging from its work. The final report and recommendations of the expert will be presented by the Secretary-General to the General Assembly at its fifty-first session.

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